

CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING SEPTEMBER 12, 2012

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on September 12, 2012, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Minutes of the August 8, 2012, Council Meeting (Continued from August 22, 2012; Approve)
 - b. Minutes of the August 22, June 13 and 27, 2012, Council Meetings (Approve)
 - c. Special Event Licenses:
 - 1) Newport Grand, LLC, d/b/a High Roller Car & Bike Show; Newport Grand, 150 Admiral Kalbfus Rd., Sept. 22, 2012, from 9:00 a.m. to 4:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- 2) Island Moving Co., d/b/a Island Moving Co. 30th Anniversary Event; Rough Point, 680 Bellevue Ave., Sept. 29, 2012, from 6:00 p.m. to 8:00 p.m.
- 3) Trinity Church, d/b/a Trinity Church 4th Annual Pumpkin Patch; Trinity Church Lawn/One Queen Anne Sq., October 6 – 31, 2012, from 10:00 a.m. to 6:00 p.m.
- 4) Newport Festa Italiana, Inc., d/b/a Newport Festa Italiana; Oct. 6, 2012, Italian Festival in Touro Park (11 a.m. – 4 p.m.); Oct. 7, 2012, Concert at SRU Ochre Court (6:30 p.m. – 8:30 p.m.); and Oct. 8, Annual Columbus Day Parade (12 Noon – 1:15 p.m.)
- 5) Robert Ford, d/b/a PeaceFest 2012/Multicultural Music Showcase; King's Park, Wellington Ave., October 6, 2012, from 1:00 p.m. to 5:00 p.m.
- 6) Bowen's Wharf Co., Inc., d/b/a Bowen's Wharf Seafood Festival; Bowen's Wharf, October 13 and 14, 2012, from 11:00 a.m. to 5:00 p.m.
- 7) Newport Waterfront Landing, Inc., d/b/a The Landing Seafood Fest; 30 Bowen's Wharf, October 13 and 14, 2012, from 12 Noon to 8:00 p.m.
- 8) Island Moving Company, d/b/a Dracula; Seaview Terrace, 207 Ruggles Ave., Oct. 17-18, 2012, from 7:30 p.m. to 9:30 p.m.; Oct. 19, 2012, from 7:30 p.m. to 11:30 p.m.; Oct. 20, 2012, from 4:00 p.m. to 6:00 p.m. and 8:00 p.m. to 10:00 p.m.; and Oct. 21, 2012, from 2:00 p.m. to 4:00 p.m. and 6:00 p.m. to 8:00 p.m.
- 9) ISES Rhode Island, d/b/a ISES RI Halloween Bash; Elks Lodge, 141 Pelham St., October 31, 2012, from 8:00 p.m. to Midnight.
- 10) Salve Regina University, d/b/a 36th Annual Governor's Ball; Salve Regina University, 100 Ochre Point Ave., December 1, 2012, from 9:00 p.m. to 1:00 a.m.
- 11) Trinity Church, d/b/a Christmas Tea; Trinity Church, One Queen Anne Square, December 1, 2012, from 1:00 p.m. to 4:00 p.m.

- d. Holiday Selling License, New, Aquidneck Island Books, Inc, d/b/a Island Books, 135 Spring St.
- e. Holiday Selling License, Renewal, Natural Creations, LLC, d/b/a Natural Creations, 540 Thames St.
- f. Waste Hauler License, Renewal, Rambone Disposal Service, Inc., 81 Peck Hill Rd., Johnston, RI
- g. Communication from Jill Watson, Newport Brokerage Boatshow, asking permission to amend their approved Special Event License to extend the hours on September 15, 2012, from 6:00 p.m. to 8:00 p.m.
- h. Communication from J. Clement Cicilline, Chair, Newport Festa Italiana, asking permission to place two banners in Touro Park promoting the Oct. 6, 2012, Italian Marketplace (Approve subject to details being worked out with the city administration)
- i. Communication from Captain Addison Closson, Aquidneck Ferry & Charter, Inc., asking permission to operate from Perrotti Park, annually, from April through November. (Receive and refer to the city administration to work out the details.)
- j. Resignation of David Horowitz from the Energy & Environment Commission (Receive with regret)
- k. Resignation of Amanda Frye Leinhos from the Board of the Housing Authority of Newport (Receive with regret)
- l. Communication from John Shehan, 4 Kerins Terrace, re: Dinghy Dock at the King's Park Stone Pier (Receive and refer to the city administration)
- m. Communication from Laurence Cutler, Chair, National Museum of American Illustration, re: Queen Anne Square (Receive)
- n. Trust & Investment Commission Annual Report for Calendar 2011 (Receive)

LICENSES & PERMITS

2. Annual Entertainment License, Class A (Indoors), New, 108 Laces, Inc., d/b/a Mudville Pub, 8 West Marlborough St. (First Hearing)

3. **COMMUNICATIONS & PETITIONS**

- Council Liaison Updates
- City Manager Update -- “Engage Newport”

4. **APPOINTMENTS TO BOARDS & COMMISSIONS**

Affirmative Action Commission (membership unlimited): Carlos Revilla

Housing Authority of Newport (1 vacancy) – Applicants: Patricia Archer, John Drotos, Nicole Vazquez

Information Technology Working Group: Glenn Clark (SRU), Ralph Fasano (Oshean), Stuart Freiman (RIEDC), Steve Veira (CCRI), William Doyle (Performance Research); Ron Corriveau, Naomi Neville

Zoning Board of Review (1 Alternate Vacancy) – Applicants: Robert R. Buzard, Christopher Kirwin, Nicholas Malone

- Reappointment of Zoning Board Chairperson Rebecca MacSweeney

Note: Vacancies currently or soon will, exist on the following boards and commissions: Affirmative Action Commission, Building Code Board of Appeals, Energy & Environment Commission, Historic District Commission, Newport Juvenile Hearing Board, North End Planning Commission, Personnel Appeals Board, Board of Tax Appeal, and the Zoning Board of Review. Interested residents can obtain applications on the City’s web page or by contacting the Mayor’s Office.

RESOLUTIONS

5. Extending the Moratorium on Wind Turbines to June 12, 2013.
6. Requesting amendments to Sections 8.12.080 and 5.12.060 of the Codified Ordinances to reduce the Maximum Permissible Sound Levels from 65 decibels to 55 decibels from 8:59 p.m. to 7:00 a.m. – H. Winthrop, C. Duncan, K. Leonard, N. Neville, J. Napolitano

7. Requesting amendments to Sections 8.12.100 and 9.04.050 of the Codified Ordinances to provide for the imposition of penalties when a certain number of warnings are issued to a disorderly house or individual within a certain timeframe – H. Winthrop, C. Duncan, K. Leonard, N. Neville, J. Napolitano

ORDINANCES

8. Amending Chapter 5.12 of the Codified Ordinances, entitled, “Alcoholic Beverage Licenses., Section 5.12.040, “Number of Licenses Permitted,” to reduce the number of Class D licenses by one, to 16. (Second Reading)
9. Amending Title 17 of the Codified Ordinances, entitled, “Zoning”; specifically, Chapters: 17.08 (Definitions); 17.20; 17.24; 17.28; 17.32; 17.36; 17.64; and 17.68 - Use Regulations in Residential, Commercial-Industrial, and Traditional Maritime Districts; and creating a new Chapter 17.90, entitled, “Wind Energy Systems.” (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

10. Action #5027, re: Collective Bargaining Agreement between the City of Newport and N.E.A. Contract (with accompanying resolution and Personnel Ordinance; continued from Aug. 22, 2012)
11. Action #5038, re: FY2013 Tax Levy and Rates (with accompanying resolution)
12. Action #5039, re: Comprehensive Land Use Plan Update Project – Status Report (with accompanying resolution)
13. Action # 5040, re: Newport Substance Abuse Prevention Task Force (NSAPTF) -- Contract with NSAPTF Coordinator for the period of Sept. 1, 2012 through June 30, 2013 (with accompanying resolution)
14. Action #5041, re: Cooperative Agreement between the City of Newport and the State of Rhode Island Dept. of Administration – Safe Routes to School Grant Program (with accompanying resolution)
15. Action #5042, re: Contract #11-047 - Easton Pond Dam Repairs and Improvements, Change Order #1 (with accompanying resolution)

16. Action #5043, re: Modification #3 to Contract #09-009—Engineering Services for Easton Pond Embankment Repairs and Modification Project (with accompanying resolution)
17. Action #5044, re: Memorial Boulevard Bicycle and Pedestrian Improvements (with accompanying resolution)
18. Action #5045, re: Award of Bid #13-008 for Spring Street Roadway Improvements (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

CONSENT CALENDAR

Communication from Jeffrey S. Michaelson, Esq., re: 99 Restaurant, 199 J.T. Connell Highway, Newport, RI: conversion of 99 West, Inc., to 99 West, LLC. (Approve and make part of the file.)

ADJOURN

Kathleen M. Silvia
City Clerk

September 5, 2012

Quick References:

d/b/a = “doing business as” (fictitious name)

LLC = Limited Liability Corporation

Liquor Licenses issued locally (Full definitions provided in the RI General Laws, Chapter 3-7)

Class F – Daily liquor license, holder is limited to sale of beer and wine; issued only to religious organizations, state non-business corporations and political organizations.

Class F-1 Daily liquor License, holder may sell all alcoholic beverages; issued only to religious

organizations, state non-business corporations and political organizations.

Class A – package store

Class BH – Allows for mini bars in hotel and guest house rooms; allows for the sale and service of bottles of alcohol to registered guests in their hotel/guest house rooms.

Class BL – allows sale of only beer and wine in restaurants (“victualing houses”)

Class BT – allows for sale of all alcoholic beverages in hotels (defined in State Law as “tavern keeper” and must provide overnight accommodations).

Class BV -- allows sale of all alcoholic beverages in restaurants (“victualing houses”)

Class C – Saloon License; in Newport the one Class C License has basically the properties of Class BV; however, it must close at Midnight.

Class D – Private Club; alcoholic beverages may be consumed only by members and their guests.

Class J – Convention Hall License; holder may sell all alcoholic beverages; licensee must be able to accommodate five hundred or more persons at tables at one time.

Class K—Ancient Tavern License – issued to the owner of any building which has had a public and continuous use and license as a tavern for 10 years or more prior to 1730; basically has the same privileges of a Class BV restaurant.

Class T—Legitimate Theater

State-issued Liquor Licenses (with uses in Newport)

Class G -- for passenger-carrying marine vessels and trains; sale of alcoholic beverages on marine vessels while at dock for one-half hour before scheduled departure time, up to departure, must be approved by Council.

Class P – authorizes caterers, who must be licensed by the RI Health Dept., to furnish and sell alcoholic beverages at events to which they are catering food. Caterer must purchase the alcohol at a Class A package store.